

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

SEYMOUR A. IRBY, III and
AUDREY M. IRBY,

Defendants

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CIVIL ACTION NO. 04-0762-WS-M

ORDER

This case came before the Court on the Complaint of Plaintiff the United States of America against Defendants Seymour A. Irby, III, and Audrey M. Irby, alleging that Defendants, are liable to the United States under 31 U.S.C. § 3713(b) as, when acting as executors of the Estate of Seymour Irby, Jr., they paid non-Government debts of the Estate prior to the claims of the United States. The parties have reached an agreement in this matter. Accordingly,

IT IS ORDERED:

1. Defendants Seymour A. Irby, III, and Audrey M. Irby are liable to the United States of America under 31 U.S.C. § 3713 in the amount of \$35,500.

2. Neither Defendant Seymour A. Irby, III, nor Defendant Audrey M. Irby shall transfer or encumber their property without the written consent of the United States Attorney's Office during the one-hundred (100) day period following the entry of this Order. The United States shall not unreasonably withhold its consent for any transfer or encumbrance so long as its interests are protected.

3. If Defendants do not pay \$35,500 to the United States of America in satisfaction of their liability under this Order by ninety (90) days of the date of this Order, the Court shall then, on the request of the United States, issue a judgment for that amount in favor of the United States against Defendants.

DONE and ORDERED this 3rd day of February, 2006.

/s/ WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE

SEEN AND AGREED TO:

ATTORNEY FOR PLAINTIFF

DEBORAH J. RHODES
UNITED STATES ATTORNEY

By: */S/ Larry Moorer*
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